

Message Text

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ORIGIN IO-10

INFO OCT-01 EUR-12 ISO-00 L-03 AID-05 AF-06 ARA-10 EA-10

NEA-10 CIAE-00 COME-00 EB-07 INR-07 LAB-04 NSAE-00

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DRAFTED BY IO/CMD:HHOFFMAN/AD

APPROVED BY IO:RDMOREY

IO/CMD:DFORMAN

UN/COR:JFOX (DRAFT)

L:ASURENA (DRAFT)

IO/BAPS:NMORRIS (DRAFT)

AID/PPC/IA:MSCHUWEILER (DRAFT)

EB/OT/GCP:CBLACK (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA

INFO USMISSION USUN NEW YORK

UNCLAS STATE 126881

E.O. 11652: N/A

TAGS: UNIDO, AORG, US

SUBJECT:UNIDO - SPECIALIZED AGENCY STATUTES

REF: A) VIENNA 3559; B) GRIBBLE/HOFFMAN LETTER OF MAY 6,
1975

1. DEPT HAS HELD TWO MEETINGS OF INTERESTED OFFICES ON
DRAFT STATUTES FOR UNIDO AS SPECIALIZED AGENCY. DIS-
CUSSIONS WERE BASED ON UN HEADQUARTERS/UNIDO DRAFT AND
UNGERER'S IDEAS CIRCULATED TO GROUP B. DEPARTMENT'S
COMMENTS BELOW ARE INTENDED FOR USE AT UPCOMING GROUP B
WORKING PARTY MEETING AND SHOULD BE CLEARLY STATED AS
PRELIMINARY. DOCUMENTS ARE STILL UNDER STUDY IN DEPT
AND MORE DETAILED COMMENTS WILL FOLLOW.

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2. DEPT BELIEVES AGREEMENT ON STATUTES WILL BE DIFFICULT PROCESS REQUIRING LENGTHY INTER-GOVERNMENTAL NEGOTIATIONS, AS WELL AS LOBBYING EFFORTS WITH CONGRESS AND PRIVATE INDUSTRY. THUS, US MISSION UNIDO SHOULD INSIST WITH GROUP B REPRESENTATIVES THAT SUBSTANTIVE CONSIDERATION OF DRAFT STATUTES BE DEFERRED TO 31ST GA BY 7TH SPECIAL SESSION WITH LATTER ESTABLISHING INTER-GOVERNMENTAL MACHINERY TO PREPARE REPORT. ONLY BY SUCH SCENARIO WILL US AND OTHER GOVERNMENTS HAVE SUFFICIENT TIME TO EXAMINE QUESTIONS

AND ENLIST SUPPORT FOR EVENTUAL RATIFICATION. WE UNDERSTAND THIS QUESTION OF TIMING IS STILL OPEN IN MINDS OF SOME INFLUENTIAL MEMBERS OF G-77 AND BELIEVE IT IMPORTANT TO LINE UP SOLID GROUP B SUPPORT FOR THIS POSITION.

3. BUDGETARY MATTERS -

(A) WE WILL INSIST ON SEPARATION OF BUDGETS FOR TECHNICAL ASSISTANCE AND ADMIN AND RESEARCH AS STATED IN UNGERER'S PAPER; SUCH SEPARATION IS ON BASIS OF TA FUNDED BY VOLUNTARY CONTRIBUTIONS AND ADMIN AND RESEARCH FUNDED BY ASSESSED CONTRIBUTIONS. THIS ISSUE IS OF PRIME IMPORTANCE TO US.

(B) ON SCALE OF ASSESSMENTS OUR IDEAS ARE STILL IN HIGHLY FORMATIVE STAGE AND WE WOULD WELCOME USEFUL SUGGESTIONS ON MODELS OTHER THAN ONE PRESENTLY IN USE IN UNGA.

(C) WE WOULD INSIST THAT DECISIONS ON FINANCIAL QUESTIONS BE BY TWO-THIRDS MAJORITY TO INCLUDE MEMBERS WHOSE ASSESSMENTS ARE AT LEAST 50 PERCENT (PREFERABLY TWO-THIRDS) OF TOTAL ASSESSMENTS. WE WOULD NOT WISH THAT VOLUNTARY CONTRIBUTIONS BE INCLUDED IN THIS TOTAL.

4. WE HAVE GREAT DIFFICULTY WITH MUCH OF LANGUAGE IN PREAMBLE OF PRESENT UN DRAFT WHICH WE FIND TOO PAROCHIAL FOR SPECIALIZED AGENCY WHICH IS TO SERVE ALL MEMBERS. LANGUAGE IS NOT ONLY UNBALANCED BUT IN FINAL ANALYSIS UNNECESSARY. IT SHOULD BE MADE CLEAR THAT RETENTION OF UNCLASSIFIED

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SUCH LANGUAGE WOULD INFLUENCE REACTIONS OF CONGRESS AND PRIVATE INDUSTRY AND CONSEQUENTLY US DECISION ON JOINING NEW ORGANIZATION. WE DO NOT BELIEVE THERE IS NEED FOR PREAMBLE, BUT IF ONE WERE RETAINED IT WOULD NEED EXTENSIVE REVISION SO THAT NIEO JARGON IS CUT. FURTHERMORE, IT SHOULD BE MADE ABUNDENTLY CLEAR THAT IN UNIDO AS SPECIALIZED AGENCY US WOULD EXPECT ALL MEMBERS TO HAVE EQUAL RIGHTS AND DUTIES. WE WILL ALSO WISH TO INCLUDE

SOME LANGUAGE MENTIONING ROLE OF PRIVATE INDUSTRY WHICH WE HOPE WOULD PLAY AN ACTIVE ROLE IN UNIDO AFFAIRS. AT PRESENT WE ARE LOOKING INTO WAYS WE MIGHT STIMULATE INTEREST OF PRIVATE US INDUSTRY IN UNIDO ACTIVITIES.

5. LEGAL ADVISER'S OFFICE HAS MADE FOLLOWING OBSERVATIONS ON UN DRAFT:

(A) ARTICLE 4 - MOST STATUTES DO NOT HAVE ARTICLE TREATING SUSPENSION;

(B) ARTICLE 5(1) NEEDS PRECISION ON EFFECTIVE DATE OF WITHDRAWAL;

(C) ARTICLE 10 SHOULD NOT FIGURE IN DOCUMENT, BUT MIGHT BE SOMETHING FOR FINANCIAL REGULATIONS;

(D) ARTICLE 13 - POORLY WORDED AND WILL NEED CLARIFICATION (SEE ALSO PARA 3 ABOVE);

(E) ARTICLE 16 NEEDS FURTHER CLARIFICATION; E.G., WHAT LIABILITIES?

(F) ARTICLE 19(3) PRESENTS SPECIAL PROBLEM FOR US AS US IS NOT PARTY TO CONVENTION ON PRIVILEGES AND IMMUNITIES OF SPECIALIZED AGENCIES (WE PROVIDE SPECIALIZED AGENCIES WITH PRIVILEGES AND IMMUNITIES BY VIRTUE OF A US STATUTE). WE WOULD THEREFORE STRONGLY PREFER NO REFERENCE TO THIS CONVENTION IN TEXT SINCE REFERENCE MIGHT REQUIRE US RESERVATION;

(G) ARTICLE 20(1) NEEDS CLARIFICATION;

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(H) ARTICLE 23(2) - SIXTY IS UNUSUALLY HIGH NUMBER. DUE TO CUSTOMARY DELAYS IN STATES' RATIFICATION PROCESS, HIGH NUMBER WOULD RESULT IN STATUTES NOT ENTERING INTO FORCE FOR GOOD NUMBER OF YEARS.

(I) ARTICLE 24 - WE DISFAVOR PROVISION PROHIBITING RESERVATIONS (SEE F ABOVE) AS UNDULY RESTRICTIVE.

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